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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 27th August, 1993:—

I

BILL No. LXIV OF 1993

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1993. Short title.

2. **In article 54 of the Constitution, in clause (b) after the words "the States" the words "and of the Legislative Councils of the States having such Councils" shall be inserted.** Amendment of article 54.

STATEMENT OF OBJECTS AND REASONS

In accordance with article 54 of the Constitution, the President shall be elected by the members of an electoral college consisting of the elected members of both Houses of Parliament and elected members of the Legislative Assemblies of the States. In Bihar, Jammu and Kashmir, Karnataka, Maharashtra and Uttar Pradesh, Legislative Councils are also functioning. In each of these States both the Assembly and the Council constitute the Legislature of the State. Like the Council of States, the Legislative Council of a State is not subject to dissolution and the members of the Legislative Council enjoy the same powers and privileges. According to article 171 of the Constitution members of the Legislative Councils are elected by electorates consisting of members of municipalities, district boards and other local authorities, in the State as Parliament may by law specify, and of graduates, teachers and also by the members of the Legislative Assembly from amongst persons who are not members of the Assembly.

It is therefore, felt just and proper that the right to vote in the election of the President should also be given to the members of the Legislative Councils, wherever they exist and that the relevant provision in the Constitution should be amended for the purpose.

Hence this Bill.

SATYA PRAKASH MALAVIYA

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that the elected members of the Legislative Councils, wherever they exist, shall also have the right to vote in the election of the President of India. This provision may involve expenditure from the Consolidated Fund of India. It is expected that the Bill, if enacted, will involve expenditure from the Consolidated Fund of India, whenever an election to the Office of President of India is held. There may be a nominal expenditure of about rupees twenty five thousand in preparing ballot papers etc.

No other expenditure either recurring or non-recurring is likely to be involved from the Consolidated Fund of India.

II

BILL No. XLVIII OF 1993

A Bill to provide for adequate representation of Scheduled Castes and Scheduled Tribes in posts and services under the Government of India and other Central Government establishments.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short title, extent and commencement,

1. (1) This Act may be called the Reservation of Vacancies in Posts and Services for Scheduled Castes and Scheduled Tribes Act, 1993.

(2) It shall extend to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint in that behalf.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appointing authority in relation to a service or post in an establishment" means the authority empowered to make appointment to such service or post;

(*b*) "Central Government establishment" means any office of the Central Government, public sector undertaking or statutory

authority constituted under a Central Act for the time being in force including a Government Company or a Corporation in which not less than 51 per cent. of the paid up share capital is held by the Central Government, and includes universities and colleges affiliated to universities, primary and secondary schools and other educational institutions which are owned or aided by the Central Government;

(*c*) "prescribed" means prescribed by rules made under the Act;

(*d*) "recruitment year" means the financial year during which a recruitment is actually made;

(*e*) "reservation" means reservation of vacancies in posts and services for Scheduled Castes and Scheduled Tribes;

(*f*) "Scheduled Castes" means the Scheduled Castes specified in the Constitution (Scheduled Castes) Order, 1950 made under Article 341 of the Constitution of India, as amended from time to time;

(*g*) "Scheduled Tribes" means the Scheduled Tribes specified in the Constitution (Scheduled Tribes) Order, 1950 made under Article 342 of the Constitution of India, as amended from time to time;

(*h*) "select list" means the list of candidates arranged in order of precedence according to the rules and orders issued by the Central Government in that behalf and adopted by the competent authority for making appointments in respect of initial recruitment and promotion.

Application of the Act.

3. This Act shall apply to appointments to all the posts and services under the Central Government establishments including those in public sector and the statutory authorities, including universities and colleges affiliated thereto and other educational institutions owned or aided by Central Government.

Percentage to be reserved.

4. (*1*) Except as otherwise provided in this Act, the vacancies reserved for the Scheduled Castes and the Scheduled Tribes shall not be filled by candidates not belonging to the Scheduled Castes and Scheduled Tribes.

(*2*) The reservation of vacancies in posts and services shall be at such percentage of the total number of vacancies as the Central Government may, from time to time, by order published in the Official Gazette determine:

Provided that in the case of initial recruitment, the percentage so determined shall, in no case be less than the percentage which the population of the Scheduled Castes or the Scheduled Tribes, as the case may be, bears to the total population as recorded in the latest census.

Prescription of rosters for vacancies.

5. (*1*) The Central Government shall prescribe model rosters indicating the number of vacancies to be reserved for the Scheduled Castes and the Scheduled Tribes and the number to be left unreserved.

(*2*) The appointing authorities shall maintain rosters in the prescribed form.

(3) The rosters shall be consulted for ascertaining the number of reserved vacancies.

Exchange of reservation between communities.

6. The reserved vacancies shall be exchanged between the Scheduled Castes and the Scheduled Tribes in the exent of non availability of candidates, from the respective categories, but the vacancies reserved for a particular category shall continue to be reserved for that category only for two recruitment years, and if candidates are not available for appointment to a particular reserved vacancy in the third year, the vacancy so filled by exchange shall be treated as reserved for the candidates for that particular category who are actually appointed.

De-reservation of vacancies.

7. If, in any recruitment year, the number of candidates either from the Scheduled Castes or from the Scheduled Tribes is less than the number of vacancies reserved for them even after exchange of reservation between the Scheduled Castes and the Scheduled Tribes, the remaining vacancies may be advertised exclusively for Scheduled Castes and/or Scheduled Tribes to make special recruitment for them. If still the candidates from the Scheduled Castes and the Scheduled Tribes are not available the reserved posts may be filled by general candidates after temporarily de-reserving the vacancies in the prscribed manner. The vacancies so de-reserved may, be carried forward to subsequent five years of recruitment as prescribed for particular category of posts.

Special arrangements for imparting technical training.

8. (1) If no, suitable Scheduled Castes and Scheduled Tribes candidates are available for the posts and services reserved for them, even after following the aforesaid procedure, the concerned Government establishment shall communicate the number of such posts to such Ministry, as may be prescribed under the rules, and it shall be the duty of that Ministry to select the appropriate candidates of the Scheduled Castes or the Scheduled Tribes, as the case may be, and to train them at their own expense at the appropriate institutions.

(2) On satisfactory completion of such training, such candidates shall be appointed to the aforesaid reserved posts.

(3) The services of the general candidates, if any, who might have been appointed, on ad hoc basis, against the reserved vacancies, shall stand terminated, as and when the Scheduled Castes or the Scheduled Tribes candidates, as the case may be, are appointed to the such posts.

Relaxation of age, fee and payment of travelling allowance.

9. For initial appointment of the candidates from the Scheduled Castes and the Scheduled Tribes—

(a) the upper age limit prescribed for recruitment shall be increased by five years;

(b) the fees prescribed for admission to any competitive examination or interview for recruitment shall be reduced to one-fourth;

(c) the candidates belonging to the Scheduled Castes and the Scheduled Tribes shall be paid travelling allowance to attend any competitive examination or interview to be held by the Union Public Service Commission, the Staff Selection Commission or by any other recruitment agency, office or body, at such rate, as may be prescribed.

Process of selection and relaxation of qualifications.

10. (*1*) For recruitment through Employment Exchanges in the requisition to be sent to any Exchange the number of vacancies reserved for the Scheduled Castes and the Scheduled Tribes shall be specified against the total number of vacancies.

(*2*) For recruitment made through the Union Public Service Commission or any other Selection Board, agency or office, on the basis of any competitive examination or interview, the advertisement shall specify the number of vacancies reserved for the Scheduled Castes and the Scheduled Tribes against the total number of vacancies reserved.

(*3*) In case the number of the Scheduled Castes and Scheduled Tribes candidates is either equal to or less than the number of vacancies, the available candidates shall be considered as suitable candidates if they possess the minimum qualification required for those posts or services:

Provided that the qualifying marks in all the recruitment examinations for the Scheduled Castes and the Scheduled Tribes candidates in the aggregate may be relaxed by ten per cent by the Central Government or the Union Public Service Commission:

Provided further that in case adequate number of the Scheduled Castes or the Scheduled Tribes candidates do not qualify a prescribed test, such of the candidates who have appeared in the test and who fulfil the prescribed educational qualifications, but have failed in the prescribed tests shall be arranged in the order of their merit and recruited on probation against such or remaining vacancies subject to the passing of the prescribed in-service training course and the test within the period of probation.

(*4*) If the required number of Scheduled Castes and Scheduled Tribes candidates are not available for filling the reserved vacancies, a fresh examination shall be held exclusively for the candidates belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be, for filling the r7maining reserved vacancies.

(*5*) If after holding the special examination, the required number of candidates belonging to Scheduled Castes or the Scheduled Tribes are still not available or, if the number of such candidates is less than the number of reserved vacancies, the vacancies which remain unfilled shall be temporarily filled by general candidates in accordance with the procedure laid down in section 6 and 7.

Promotion on the basis of seniority.

11. (*1*) Where promotion is to be made on the basis of seniority subject to fitness, the senior-most Scheduled Castes and Scheduled Tribes officials shall be promoted to the next higher post or grade against reserved vacancies provided they possess the minimum qualifications and experience required for such promotion as per relaxed standard.

(*2*) The number of reserved vacancies for promotion shall be determined on the basis of the reserved points shown in the roster maintained under section 5.

Promotion on selection.

12. Where promotion is to be made on the basis of selection the procedure for filling the reserved vacancies shall be such, as may be prescribed, and the number of reserved vacancies shall be determined on the basis of the reserved points shown in the roster maintained under section 5. The zone of consideration shall be six times the number of vacancies.

Selection from different services.

13. Where selection is to be made from different services, the recruiting or appointing authority shall select Scheduled Castes and Scheduled Tribes candidates to the extent or the reserved quota provided such candidates satisfy the minimum conditions of qualifications and experience laid down in respect of the posts concerned.

Reservation in confirmation.

14. In case of posts filled by direct recruitment reservation shall be made for the Schedule Castes and the Scheduled Tribes candidates at the time of conilrmation in the prescribed ratio.

Annual rport of appointment.

15. (*1*) Every appointing authority shall furnish to the Central Government in the prescribed manner, an annual report on the appointments made upto the end of the month of July of the succeeding financial year and shall maintain such other records as may be prescribed.

(*2*) Any officer authorities by the Central Government in that behalf may inspect any record or documents and require the appointing authority to produce the roster and other records maintained in his office relating to appointments made by him.

(*3*) It shall be the duty of the appointing authority to produce such records and documents, furnish such information and afford all such assistance and facilities, as may be necessary, for the aforesaid purpose.

Responsibility of Heads of Departments.

16. In such establishment, an officer of senior rank authorised in that behalf shall act as liaison officer in respect of the matters provide in this Act and shall be specially responsible for—

(*a*) ensuring proper implementation of the provisions of this Act and the rules made thereunder;

(*b*) ensuring compliance by the subordinate authorities;

(*c*) ensuring timely submission of reports;

(*d*) conducting annual inspection of roster and other records;

(*e*) ensuring necessary assistance to the Commission for Scheduled Castes and Scheduled Tribes, Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes or any other Agency or statutory body appointed by the Government to investigate into the complaints received from the organisations or individuals belonging to the Scheduled Castes and Scheduled Tribes.

Standing Committee.

17. (*1*) There shall be a Standing Committee consisting of the following members, namely:—

(*a*) Prime Minister—Chairman;

(*b*) Minister of Home Affairs;

(c) There Members of Parliament belonging to the Scheduled Castes/Tribes to be nominated by the Central Government;

(d) Minister-in-charge for the Welfare of Scheduled Castes Tribes; and

(e) Cabinet Secretary—Secretary.

Functions of the Standing Committee.

18. The Standing Committee appointed under Section 17 shall perform the following functions, namely:—

(a) to review the implementation of the provisions of this Act and the rules made thereunder twice in a financial year;

(b) to suggest measures for the removal of difficulties in such implementation or for improvement therein; and

(c) to perform such other functions as the Central Government may, from time to time, assign to the Committee.

Annual report to be laid before Parliament.

19. The Central Government shall prepare an annual report on the working of this Act and lay it before each House of Parliament for a period of not less than fifteen days in the Budget Session of the succeeding financial year.

Penalty.

20. If an appointing authority makes an appointment in contravention of the provisions of this Act, he shall be punishable with fine which may extend to rupee five hundred or simple imprisonment for fifteen days or both:

Provided that special provisions shall be prescribed by appropriate authority when the appointing authority is other than Government, Public Corporation, Autonomous body, etc.

Cognizance.

21. No prosecution for an offence under this Act shall be instituted except with the sanction of the Central Government.

Removal of difficulties.

22. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may take such steps or issue such orders, not inconsistent with the provisions of this Act, as it considers necessary for removing such difficulty.

Inspection of records.

23. Notwithstanding anything contained in the Central Services (Conduct) Rules, any member of any Scheduled Castes and Scheduled Tribes who is adversely affected on account of non-compliance with the provisions of this Act or the rules made thereunder by any appointing authority, may bring the fact to the notice of the Central Government or the Commission for Scheduled Castes and Scheduled Tribes, and upon an application made by him the Central Government or the Commission for Scheduled Castes and Scheduled Tribes may call for such records or take such action thereon as it may think fit.

Power to make rules.

24. (1) The Central Government may make rules for carrying out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers the Central Government may make rules in respect of all matters expressly provided under this Act.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive session, and if, before the expiry of the session immediately following the sessions or the successive session aforesaid both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Over-riding effect of the Act.

25. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law or rule, order or resolution made by the Central Government.

STATEMENT OF OBJECTS AND REASONS

The provisions of reservation in posts and services having not been codified, there has been an apathy and unwillingness on the part of most of the officers in the matter of implementation thereof. As a result of this in none of the Ministries/Departments, Public Undertakings, etc., the quota of Scheduled Castes and Scheduled Tribes is full even after 45 years of independence and 42 years of adoption of the Constitution.

The penalty clause in the Bill will serve as a deterrent to the wilful defaulters in implementing the provisions contained in Article 335 of the Constitution.

The Bill is intended to ensure implementation of the provisions contained in the Constitution.

SATYA PRAKASH MALAVIYA.

FINANCIAL MEMORANDUM

Clause 8(1) of the Bill provides for special arrangement for imparting Technical Training. Though the exact number of such training centres cannot be assessed at this stage, yet it is estimated that a recurring expenditure of Rs. 10,00,000 is likely to be involved.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 24 of the Bill empowers the Central Government to make rules to carry out all or any of the purposes of this Act.

These powers are within the ambit of the delegated legislation.

III

BILL No. LIV OF 1993

A Bill to establish and incorporate a teaching and residential University in the State of Uttar Pradesh at Allahabad and to provide for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-fourth Year of Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Allahabad University Act, *1993*.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, and in all Statutes made hereunder unless the context otherwise requires,—

(*a*) "Academic Council" means the Academic Council of the University;

(*b*) "academic Staff" means such categories of staff as are designated as academic staff by the Ordinances;

(*c*) "Board of Management" means the Board of Management of the University;

(*d*) "Board of Studies" means the Board of Studies of the University;

(*e*) "Chancellor" "Vice-Chancellor" and "Pro-Vice-Chancellor" mean, respectively, the Chancellor Vice-Chancellor and Pro-Vice-Chancellor of the University;

(*f*) "College" means a College maintained by the University;

(*g*) "Department" means a Department of Studies and includes a Centre of Studies;

(*h*) "employee" means any person appointed by the University, and includes teachers and other staff of the University;

(*i*) "Finance Committee" means the Finance Committee of the University;

(*j*) "Planning and Academic Committee" means the Planning and Academic Committee of the University;

(*k*) "Planning Board" means the Planning Board of the University;

(*l*) "Regulations" mean the Regulations made by any authority of the University under this Act for the time being in force;

(*m*) "Statutes" and "Ordinances" mean, respectively, the Statutes and Ordinances of the University for the time being in force;

(*n*) "teachers of the University" mean Professors, Readers, Lecturers and such other persons as may be appointed for imparting instruction or conducting research in the University or in any College or Institution maintained by the University and are designated as teachers by the Ordinances;

(o) "University" means the Allahabad University established under this Act.

Conversion of existing Allahabad University into a Central University.

3. The existing Allahabad University which is a State University shall stand converted into a Central University and shall wholly be maintained by the Central Government.

The University.

4. (1) The University shall be open to persons of either sex irrespective of caste, creed, race or class, and it shall not be lawful for the University to adopt or impose on any person, any test whatsoever of religous belief or profession in order to entitle him to be appointed as a teacher of the University or to hold any other office therein or be admitted as a student in the University or to graduate threat or to enjoy or exercise any privilege thereof:

Provided that nothing in this section shall be deemed to prevent the University from making special provisions for the employment or admission of women, physically handicapped persons, dependents of freedom fighters, persons belonging to the weaker section of the society or the Scheduled Castes and the Scheduled Tribes.

(2) The University shall have prepetual succession and a common Seal and shall sue and be sued by the said name.

The visitor.

5. The President of India shall be the Visitor of the University and shall have such powers as may be prescribed by the Statutes.

Power to make rules.

6. The Central Government may by notification in the Official Gazette make rules for day to day functioning of the University.

Officers of the Univer-sity.

7. The following shall be the officers of the University:—

(1) The Chancellor;

(2) The Vice-Chancellor;

(3) The Pro-Vice-Chancellor;

(4) The Dean of Schools;

(5) The Registrar;

(6) The Finance Officer; and

(7) Such other officers as may be declared by the Statutes to be Officers of the University.

The Chancellor

8. (1) The Governor of the State of Uttar Pradesh, shall be the Chancellor of the University.

(2) The Chancellor shall by the virtue of his office, be the Head of the University.

(3) The Chancellor, shall, if present, preside at the Convocation of the University held for conferring degrees.

The Vice-Chancellor.

9. (1) The Vice-Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

(2) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(3) The Vice-Chancellor may, if he is of opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report to such authority the action taken by him on such matter:

Provided that if the authority concerned is of opinion that such action ought not have been taken, it may refer the matter to the Visitor whose decision thereon shall be final:

Provided further that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to appeal against such action to the Board of Management within three months from the date on which decision on such action is communicated to him and thereupon the Board of Management may confirm, modify or reverse the action taken by the Vice-Chancellor.

(4) The Vice-Chancellor, if he is of the opinion that any decision of any authority of the University is beyond the powers of the authority conferred by the provisions of this Act, the Statutes or the Ordinances

or that any decision taken is not in the interest of the University, may ask the authority concerned to review its decision within sixty days of such decision and if the authority refuses to review the decision either in whole or n part or no decision is taken by it within the said period of sixty days, the matter shall be referred to the Visitor whose decision shall be final.

(5) The Vice-Chancellor shall exercise such other powers and perform such other duties, as may be prescribed by the Statutes or the Ordinances.

The Pro-Vice-Chancellor.

10. The Pro-Vice-Chancellor shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

Deans of Schools.

11. Every Dean of a School shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

The Registrar.

12. (1) The Registrar shall be appointed in such manner as may be prescribed by the Statutes.

(2) The Registrar shall have the power to enter into agreement, sign documents and authenticate records on behalf of the University and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

The Finance Officer.

13. The Finance Officer shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

Other officers.

14. The manner of appointment and powers and duties of the other officers of the University shall be prescribed by the Statutes.

Authorities of the University.

15. The following shall be the authorities of the University:—

(1) the Board of Management;

(2) The Planning and Academic Committee;

(3) the Academic Council;

(4) the Planning Board;

(5) the Boards of Studies;

(6) The Finance Officer; and

(7) such other authorities as may be declared by the Statutes to be the authorities of the University.

The Board of Management.

16. (1) The Board of Management shall be the Principal executive body of the University.

(2) The constitution of the Board of Management, the term of office of its members and its powers and functions shall be prescribed by the Statutes.

Power to make Statutes.

17. The University shall have the power to make Statutes in accordance with the provisions of this Act.

Power to make Ordinances.

18. The University shall have the power to make Ordinances in accordance with the provisions of this Act.

Regulations.

19. The authorities of the University may, make Regulations consistent with this Act.

STATEMENT OF OBJECTS AND REASONS

On September 23, 1887 Act XVIII incorporating the University of Allahabad was passed and it was by this Act that Allahabad University was founded. The first convocation of the University was held on November 15, 1887. It was initially purely an examining University and in the Year 1992 it was reorganised into a teaching University. The founders of Allahabad University had always dreamt of it as a centre where the youth of the country would be trained, equipped and moulded to shoulder the diverse responsibilities of life. It has played a great role in the sphere of education, politics, social life and administration of the country. The former students of Allahabad University have filled the learned professions, the public and social services, the world of trade and industry, the sphere of politics and diplomacy.

In the past Central Government did make certain proposals to the Government of Uttar Pradesh for conversion of Allahabad University into a Central University. But they have not materialised for various reasons. It is, therefore, proposed that Allahabad University should be converted into a Central University.

Hence this Bill.

SATYA PRAKASH MALAVIYA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the conversion of the existing Allahabad University into a Central University. The Bill, if enacted, and brought into operation will involve expenditure from the consolidated Fund of India. It is estimated that a recurring expenditure of about rupees ten crores per annum is likely to be involved.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 of the Bill gives power to the University to make statutes. Clause 18 gives power to make Ordinances. Clause 19 gives power to make regulations.

The matter for which Statutes, Ordinances and Regulations may be made pertain to matters of procedure or details only. The delegation of legislative power, is therefore, of a normal character.

IV

BILL NO. LXVII OF 1993

A Bill to provide for the prevention of stripping and outraging the modesty of women and girls at public places and for deterrant punishment for such offences and trial in camera and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Prevention of Stripping and Outraging Modesty of Women and Girls at Public Places Act, 1993.

(*2*) It extends to the whole of India.

(*3*) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "girl" means a female human being below the age of twenty one years;

(*b*) "outraging the modesty of a woman" means forcibly touching, meddling hostilely or injuriously with the body of a girl or woman in violation of her sentiments and rights;

(*c*) "prescribed" means prescribed by rules made under this Act;

(*d*) "public place" includes a road, street, way or other place used by general public;

(*e*) "stripping" includes removing or tearing of any cloth or part thereof worn by a girl or woman;

(*f*) "woman" denotes a female human being who has attained the age of twenty one years and above;

(*g*) words and expressions used but not defined in this Act and defined in the Indian Penal Code or the Code of Criminal Procedure, 1973 shall have the meanings respectively assigned to them in those Acts.

45 of 1860.
2 of 1974.

Prohibition of stripping and outraging modesty of girls and women at public places.

3. No person shall strip or outrage the modesty of any girl or woman at any public place at any time.

Penalty.

4. (*1*) Whoever commits the offence of stripping shall be punishable with death.

(*2*) Whoever commits the offence of outraging the modesty shall, notwithstanding anything contained in the Indian Penal Code be punishable with imprisonment for a term which shall not be less than three years but which may extend to six years and shall also be liable to fine which may extend to twenty thousand rupees.

45 of 1860.

(*3*) Whoever attempts to commit an offence punishable under this Act or abets in the commission of such offence shall be punishable with imprisonment for a term which may extend to five years or with a fine which may extend to twenty five thousand rupees or with both.

Offence to be cognizable and non-bailable.

5. Notwithstanding anything contained in any other law for the time being in force an offence under this Act shall be cognizable and non-bailable.

Court to try cases in camera.

6. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 an offence under this Act shall be tried in *camera* by the court of sessions.

2 of 1974.

Power to make rules.

7. The Central Government may, by notification in the Official Gazette make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Very recently at Saharanpur in the State of Uttar Pradesh a middle aged woman who was going to depose in a court of law was dragged by some goons and forcibly stripped in front of the court and two adjoining police *thanas* in the area and she was paraded naked and taken to one of the *thanas* in full public view and even the local police which is supposed to protect the life, honour and property of the common citizens remained a mute spectator of this gory incident. The goons with the connivance of the corrupt police would have succeeded in hushing up the incident but for the intervention of the National Commission for Women which took up the case of the hapless woman and highlighted the case at the national level. Again in the recent past an old woman belonging to the weaker section of society was stripped and paraded by some land-lords in the State of Andhra Pradesh and in Madhya Pradesh some Harijan women were stripped and forced to dance naked on Holi festival by some upper caste people belonging to a national political party which was at that time ruling the State. The nation has not also forgotton the famous Maya Tyagi stripping case at Baraut in Uttar Pradesh. This inhuman practice of stripping of women goes back to the epic *Mahabharata* period but in that case Lord Krishna had saved Draupadi from the ultimate humiliation but to-day no Lord comes to the rescue of such hapless women or girls, rather the Police helps such law breakers. The Indian Penal Code is silent about this offence. It is, therefore, necessary that deterrant punishment be provided for such an offence and the trial of such offence be held in camera by the Sessions Court. Similarly deterrant punishment needs to be prescribed for outraging the modesty of a girl or woman. It is felt that these provisions may help in curbing the incidents of stripping or outraging modesty of girls and women at public places in the country.

Hence this Bill.

SURESH PACHOURI

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to the matters of procedures and details only.

The delegation of legislative power is of normal character.

V

BILL No. LXXI OF 1993

A Bill to provide for the formulation of special development plans and establishment of an autonomous Authority to implement such plans in respect of the drought prone areas of the country particularly in the States of Madhya Pradesh, Bihar, Andhra Pradesh, Orissa, Rajasthan and Gujarat and for matters connected therewith.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Drought Prone Areas (Special Provisions) Act, 1993.

(*2*) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "Authority" means the Drought Prone Areas Development Authority established under section 4;

(*b*) "drought prone areas" mean such areas in the country which in the opinion of the Central Government are drought prone and declared, by notification in the Official Gazette, as such in consultation with the Governments of the States and Union Territory administrations;

(c) "prescribed" means prescribed by rules made under this Act.

Central Government to formulate special development plans for drought prone areas.

3. The Central Government shall, within a period of six months from the date of commencement of this Act, formulate special development plans for providing industrial growth, railways, roads, post and telegraph and other means of communications, and in particular, plans relating to agriculture, irrigation facilities, drinking water through wells, handpumps and tap water, fodder facilities, electricity, development of forests, livestock, milk and poultry co-operatives, health services including family welfare schemes, education and vocational training and special employment drives in the drought prone areas in the country particularly in the States of Madhya Pradesh, Bihar, Andhra Pradesh, Orissa, Rajasthan and Gujarat.

Establishment of Drought prone areas Development Authority.

4. (1) For the purposes of this Act, with effect from such date, as the Central Government may, by notification in the Official Gazette, appoint, in this behalf, there shall be established by the Central Government an Authority to be called the Drought Prone Areas Development Authority.

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power to acquire, hold and dispose of property both movable and immovable and to contract, and shall by the said name sue and be sued.

(3) The head office of the Authority shall be at Bhopal in the State of Madhya Pradesh and the Authority may establish offices at such places in the country and in such manner as may be prescribed.

(4) The Authority shall consist of a Chairman, Vice-Chairman and such other members as may be prescribed.

(5) The Authority shall have such officers, employees and other set up including the conditions of services of such officers and employees as the Central Government, may, by notification in the Official Gazette, determine from time to time for the efficient functioning of the Authority.

(6) The Authority shall conduct its business in such manner as may be prescribed.

Authority to implement the special development plans.

5. It shall be the duty of the Authority to implement the special development plans formulated under section 3.

Funds of the Authority.

6. The Central Government shall provide, from time to time, after due appropriation made by Parliament by law, adequate funds for the implementation of special development plans in the drought prone areas and for the administrative expenses of the Authority.

Development Fund.

7. The Authority shall have a fund to called the 'Drought Prone Areas Development Fund' which shall be credited all moneys received from the Central and State Governments, international financial institutions, industrial establishments and individuals for the development of drought prone areas in the country and all payments by the Authority towards development expenditure shall be made therefrom.

Annual Report

8. The Authority shall submit an annual report, in such form and in such manner, as may be prescribed of its activities of development in the drought prone areas of the country to the President of India who shall cause the report to be laid before both the Houses of Parliament, as soon as may be, after it is received by him.

Savings.

9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules.

10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Unprecedented drought conditions are playing havoc in various parts of the country for the last few years. Drought conditions are prevailing consistently for the last three years in the tribal belt and Chhatisgarh region of Madhya Pradesh, Palamu division of Bihar, Kalahandi of Orissa and various parts of the Andhra Pradesh, Rajasthan, Gujarat and other parts of the country. The farmers could not sow their crops in the parched land of these areas and rain God is consistently evasive in such areas resulting in acute shortage of even drinking water because the wells and hand pumps have either dried up or the water level has gone down considerably. There are no irrigation facilities. The inhabitants have no food to eat and no water to drink resulting in their exodus to other places. In many places starvation deaths have also been reported. The worst affected are the mute livestock dying unnatural death in the absence of fodder and water. Though the Central and State Government are giving some relief, it is inadequate and even negligible. The people are not getting foods and water for their survival and the employment opportunities are meagre. The situation has gone from bad to worse due to the apathy of the authorities. To save the situation urgent steps have to be taken at the national level.

The natural calamity of drought is not a temporary one in these areas. It is almost a continuous process. So, a long term national policy will have to be formulated for the proper development of these drought prone areas. The onus of formulating such a policy lies on the Central Government. An autonomous Authority will have to be established for implementing the plans formulated for the development of drought prone areas in the country. This has to be undertaken on priority.

This Bill seeks to achieve the above objects.

SURESH PACHOURI.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of a Drought Prone Areas Development Authority. Clause 6 provides for the funds of the Authority. The Bill, if enacted and brought into operation will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two hundred crores will be involved as recurring expenditure per annum.

It may also involve a non recurring expenditure of rupees fifty crores from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to the matters of details only.

The delegation of legislative power is of normal character.

VI

Bill No. LXX of 1993

A Bill to provide for the compulsory linking of all the villages in the country with postal and telephone services within a time frame and for matters connected therewith.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Compulsory Linking of Villages with Postal and Telegraphic Services Act, 1993.

(*2*) It shall come into force at once.

Definitions.

2. In this Act unless the context otherwise requires, the words and expressions used but not defined in this Act and defined in the Indian Post Office Act, 1898 and the Indian Telegraph Act. 1885 shall have the meanings respectively assigned to them in those Acts.

6 of 1898.
13 of 1885.

Provision of one post office in every village.

3. The Central Government shall, within a period of three years after the commencement of this Act, establish one Post Office in each village throughout the country where *no* such Post *Office* is available for the time being with the following facilities, namely:—

(*a*) saving Bank;

(*b*) telegram;

(c) savings certificates particularly the Kisan Vikas Patras and Indira Vikas Patras;

(d) money order;

(e) stamp papers—both judicial and non-judicial of various denominations;

(f) postal orders and service postal orders required for applying for the UPSC and other examinations;

(g) postal articles such as envelopes, inland letters, post cards, registered letter envelopes and postal stamps;

(h) application forms of various examinations held by UPSC and other Governmental agencies and passport applications;

(i) letter box; and

(j) parcel facilities.

Telephone facilities in village.

4. The Central Government shall, within a period of three years after the commencement of this Act, provide telephone facilities in every village of the country where there is no such facility available for the time being by providing:—

(a) one charge free telephone connection with STD facility at every village Panchayat by prescribing maximum number of free ordinary and STD calls per month;

(b) at least one public telephone by constructing a booth at an appropriate place in the village after obtaining an assurance from the village Panchayat for the safety of the telephone booth and the instrument to be installed therein.

Savings of other laws.

5. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Power to make rules.

6. The Central Government may, by notification in the Official Gazette make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Our country is a country of villages because nearly 80 per cent of the population resides there. But most of the villages particularly in the remote areas, generally inhabited by tribals and weaker sections of the society, are neglected and extremely backward. No development work has been done at such places. They are virtually cut off from the rest of the country. Postal and telecommunication services are negligible in the villages. There are not even letter boxes in the villages what to talk of Post Offices. Similarly if the hapless poor villagers or their Panchayats want to convey their plights such as law and order problems, epidemics etc. to the authorities of the State or Central Government there is no telephone service in these villages and the cases of thefts, rapes, dacoities and outbreak of cholera, gastroenteritis epidemics are very common in these villages. The authorities and people of the country come to know about such incidents and epidemics very late when the worst is over and nothing can be done in such cases.

The non existence of postal and telecommunication services are not only creating innumerable problems for the simple villagers but the Government is also losing revenue because it could earn a lot by selling postal articles and by providing postal services in the villages. The villagers can keep their money in the Post Office Savings Banks and thereby a lot of money may be available to the Government for development works. It will also give the desired services to the villagers. Similarly, if telephone and other telecommunication services are made available in every village it will help the villagers extensively. Their innumerable problems will be solved.

It is the duty of the Central Government to provide postal and telecommunication services in the villages throughout the country as the majority of the population lives there and the country being a welfare State the Government has a moral responsibility to provide these essential services to the villages.

This Bill seeks to achieve the above objects.

SURESH PACHOURI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of a post office in all the villages. Clause 4 provides for the telephone facilities in the villages. The Bill, if enacted and brought into operation will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one hundred crores will be involved as recurring expenditure per annum.

A sum of rupees five hundred crores will also be involved as non recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of Legislative power is of normal character.

VII

BILL NO. LXIX OF 1993

A Bill to provide for the compulsory addition of minimum prescribed quantity of fruit juices in all kinds of aerated waters by their manufacturers, produced for sale or distribution and for matters connected therewith.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Compulsory Additions of fruit Juices in Aerated Waters Act, 1993.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "aerated water" with its grammatical variations and cognate expressions includes every cold drink, artificially flavoured fruit juices, whether packed or not and such other drinks which the Central Government may, by notification in the Official Gazette, specify in this behalf from time to time;

(b) "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government;

(c) "container" includes a glass bottle, tin, can, case, tube or other thing in which aerated water is placed or packed for sale or distribution;

(d) "label" means a display of written, marked, stamped, printed or graphic matter affixed to or appearing upon any container;

(e) "prescribed" means prescribed by rules made under this Act.

Compulsory addition of fruit juice in aerated waters.

3. (1) Every manufacturer of aerated water shall add minimum twenty per cent of fruit juice by volume with permitted preservatives in every container of aerated water at the manufacturing stage as per the standards prescribed under section 6.

(2) Whoever contravenes the provisions of sub-section (1) shall be guilty of an offence under this Act.

Prohibition of sale and supply of aerated waters without fruit juice.

4. No person shall supply, distribute or put up for retail sale any container of aerated water unless such container contains minimum twenty per cent fruit juice in the aerated water.

Container label to display details of fruit juice etc.

5. The label of each aerated water container shall indicate in a clear and conspicuous manner the kind and variety of fruit juice used and the preservatives added therein.

Bureau of Indian standards to prescribed standards of aerated water and fruit juice therein.

6. Notwithstanding anything contained in the Bureau of Indian Standards Act, 1986 the Bureau of Indian Standards shall specify the standards for the aerated water and fruit juice to be added to such aerated water in the manner as may be prescribed. 63 of 1986.

Food Inspectors to administer the Act.

7. Notwithstanding anything contained in any other law for the time being in force the food inspectors of the appropriate Government shall administer the provisions of this Act in such manner and exercise such powers as may be prescribed.

Penalties.

8. Whoever contravenes the provisions of sections 3, 4 or 5 shall be punishable with imprisonment which may extend to one year or with fine which may extend to ten thousand rupees or with both.

Offences by Companies.

9. Where a person committing an offence under this Act is a company, or any other body corporate, or an association of persons, whether incorporated or not, every director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence and shall be liable to be proceeded against and punished accordingly.

Overriding effect of the Act and rules made thereunder.

10. The provisions of this Act and of any rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make rules.

11. The Central Government may, by notification in the Official Gazette make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

For some years past, several brands of aerated water are being produced in the country and are put up for retail sale. Fruits provide a natural source of nutrition and are available in abundance in the country. It is, therefore, desirable that a certain percentage of fruit juices should be compulsorily added in every preparation of aerated water marketed in the country. Considering the perishable nature of fruits and fruit juices, it will be necessary to provide that all such preparations conform to the standards that may be prescribed.

The Bill seeks to achieve the above subject.

MAHESHWAR SINGH.

FINANCIAL MEMORANDUM

Clause 7 of the Bill provides that the Act shall be administered by the Food Inspectors of the appropriate Governments. This may require some more Food Inspectors. The Bill, if enacted and brought into operation will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees ten lakhs will be involved as recurring expenditure per annum.

No non recurring expenditure is likely to be involed

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

V. S. RAMA DEVI,
Secretary-General.

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